

SECOND REGULAR SESSION

SENATE JOINT RESOLUTION NO. 48

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS JACOB AND BRAY.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

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JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to powers of the general assembly.

Be it resolved by the Senate, the House of Representatives concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2004, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article III of the Constitution of the state of Missouri:

Section A. Section 39, article III, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 39, to read as follows:

Section 39. The general assembly shall not have power:

- (1) To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;
- (2) To pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;
- (3) To grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;
- (4) To pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law;
- (5) To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;
- (6) To make any appropriation of money for the payment, or on account of or in

recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to Audit and Adjust the War Debts of the State," approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the government of the United States to this state;

(7) To act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation calling said session or recommended by special message to the general assembly after the convening of an extra session;

(8) To remove the seat of government from the City of Jefferson;

(9) Except as otherwise provided in section 39(b), section 39(c), section 39(e) or section 39(f) of this article, to authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; except that, nothing in this section shall be so construed as to prevent or prohibit citizens of this state from participating in games or contests of skill or chance where no consideration is required to be given for the privilege or opportunity of participating or for receiving the award or prize and the term "lottery or gift enterprise" shall mean only those games or contests whereby money or something of value is exchanged directly for the ticket or chance to participate in the game or contest. The general assembly may, by law, provide standards and conditions to regulate or guarantee the awarding of prizes provided for in such games or contests under the provision of this subdivision;

(10) To impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision;

(11) To pass any law that is identical or substantially similar in effect to any law or constitutional amendment that has been previously put to a vote of the people of this state and rejected by the people. Notwithstanding the first sentence of this subdivision, the general assembly shall have the power to pass such a law if, after the vote of the people rejecting the identical or substantially similar law or constitutional amendment, the identical or substantially similar law or constitutional amendment was put to a subsequent vote of the people of this state and was approved by the people.

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